

**MIDTOWN ALEXANDRIA STATION CONDOMINIUM
UNIT OWNERS ASSOCIATION**

Policy Resolution No. 19-01

(Revised Rules and Regulations Regarding Requirements for Flooring Underlayment Materials to
Minimize Sound Transmission between Units)

WHEREAS, Article 3, Section 3.1 of the Bylaws empowers the Board of Directors of Midtown Alexandria Station Condominium Unit Owners Association ("Association") with the authority and duties necessary for the administration of the affairs of the Association and authorizes the Board to do all such acts and things as are not by the Condominium Act ("Act") or the Condominium Instruments required to be exercised and done by the Association; and

WHEREAS, Article 3, Section 3.1(6) of the Bylaws provides that the Board shall have the power to adopt and amend rules and regulations; and

WHEREAS, Article 5, Section 5.7 of the Bylaws prohibits unit owners from making structural additions, alterations or improvement in or to the unit, without the prior written consent of the Board or the Covenants Committee; and

WHEREAS, Article 3, Section 3.13 of the Bylaws provides that any matter not acted upon by the Covenants Committee within 45 days shall constitute an automatic referral to the Board for consideration and Article 5, Section 5.7 of the Bylaws provides that except when a request is being handled by the Covenants Committee, the Board of Directors shall be obligated to answer any written request by a unit owner for approval of a proposed structural addition, alteration, or improvement in such unit owner's unit within 45 days after such request, and failure to do so within the stipulated time shall constitute a consent by the Board of Directors to the proposed structural addition, alteration or improvement; and

WHEREAS, Article 5, Section 5.8(a)(10) of the Bylaws requires sufficient carpeting or rugs be maintained on a minimum of 80% of the floor surfaces (except marble-floored foyers, kitchens, closets and bathrooms) in units located over other units to adequately reduce transmission of sound between units; and

WHEREAS, for the benefit and protection of Unit Owners, the Board of Directors deems it necessary to adopt a policy resolution to enact requirements for flooring covering materials in order to minimize sound transmission between units.

NOW, THEREFORE, BE IT RESOLVED THAT the following requirement for flooring underlayment material policies are hereby adopted by the Board:

I. UNDERLAYMENT PURPOSE

Midtown Alexandria Station is constructed of post-tension concrete slabs. No drilling may occur into ceilings, walls, or floors as this may damage the post-tension cables embedded in the concrete.

Sound propagation across unit boundaries in a condominium is a significant cause for concern among its residents. Sound is transmitted when hard objects, like hard-soled shoes, furniture, dropped objects, or even dog claws impact a hard surface. Without anything to absorb it, sound waves can spread, multiply, and echo off the walls, amplifying even a small sound to a distracting crescendo with the right acoustics. According to the Fairfax County Noise Ordinance in effect at the time this policy is adopted, the maximum sound levels in residential areas is 60 dB for continuous sound and

100dB for impulse sound during the hours of 7:00 a.m. and 10:00 p.m.. From the hours of 10:00 p.m. to 7:00 a.m., these numbers decrease to 55dB and 80dB respectively.

Concrete covered directly with rigid surfaces with no softness such as ceramic tile, stone, hardwood, and bamboo allow sound waves to transmit easier through the floor system and slab and are therefore perceived as creating a noisy surface to walk on. The easiest way to reduce impact sound transmissions is to cushion the flooring. For example, carpet with a high quality pad is considered one of the most effective impact sound transmission reducers and can be applied to any flooring material. Flooring materials like vinyl, cork, and rubber have less rigidity which help to increase the IIC rating. In addition, "floating floors" such as hardwood or bamboo installed over a resilient underlayment also helps to increase the IIC rating of the finished floor.

II. **BENEFITS OF UNDERLAYMENT**

- A. Improves the installation and finish of flooring
- B. Improves acoustics in (a or the) room
- C. Supports more comfortable walking
- D. Moisture management helps protect wood, engineered wood, laminate, and luxury vinyl flooring from moisture
- E. Insulating properties add to occupant comfort
- F. Special accommodations for laminate, luxury vinyl tile, ceramic and porcelain tile improve performance of the floor

III. **TYPES OF UNDERLAYMENT**

- A. Unit owners may pair new flooring choice with underlayment designed, specifically, to enhance the look, feel and longevity of that particular type of flooring as long as the chosen underlayment provides the same or better sound reduction qualities as the existing underlayment. High performing underlayment for various types of hard surface flooring is made from materials such as natural, synthetic, or wood fiber, rubber, foam and cork. A glue down underlayment system is not permitted. Only the following types of underlayment are permitted to be used:
 - i. Tile Flooring Underlayment
 - i. Cement Board Underlayment (CBU), also known as Cement Backer Board
 - ii. DITRA Uncoupling Membrane
 - ii. Laminate Flooring Underlayment
 - i. Foam Laminate Underlayment
 - ii. Acoustical Laminate Underlayment

- iii. Hardwood Flooring Underlayment
 - i. Felt Hardwood Floor Underlayment - the most common hardwood flooring underlayment is felt. The felt offers decent resistance to moisture from below, but in very humid areas, a moisture barrier should be installed too.
 - ii. Cork Hardwood Floor Underlayment - Cork is also used beneath hardwood flooring, products exist with and without a moisture barrier included.
 - iii. Rubber Hardwood Floor Underlayment - In addition to excellent moisture resistance, rubber does a good job reducing noise. It does not need to be glued down, and that saves time and hassle during installation and future removal. Rubber underlayment offers a moisture barrier and better sound-reducing qualities than foam or cork. Rubber also offers superior insulation. It is easy to work with, it does cost more than other underlayment options.
- iv. Carpet Underlayment
 - i. The primary type of carpet underlayment is foam or rubber carpet padding, especially when the subfloor of wood or concrete is in good condition
- v. Vinyl Underlayment
 - i. The preferred underlayment for vinyl flooring is 1/4" plywood. Some installers will lay vinyl over existing OSB or plywood subflooring if in excellent condition.

IV. FLOORING REPLACEMENT AND COVERAGE

A. A unit owner may install floor covering materials without prior approval of the Covenants Committee or Board if the unit owner (1) uses the same underlayment and floor material as originally installed within the unit in the same amount (i.e. square footage) and in the same location(s) within the unit; and (2) uses like quality, design, and sound insulating features (i.e. impact insulation class) as the floor covering material originally installed within the unit.

B. A unit owner wishing to install floor covering materials that is not identical to the existing floor materials, sound proofing, location in the unit, and quantity must submit their request to the Covenants Committee or Board for prior approval.

C. At least 80% of the floor surfaces (except marble-floored foyers, kitchens, closets and bathrooms) in units located over other units shall be covered with carpeting or rugs to adequately reduce transmission of sound between units. The 80% is measured from wall to wall of each area required to have carpeting or rugs.

V. ENFORCEMENT

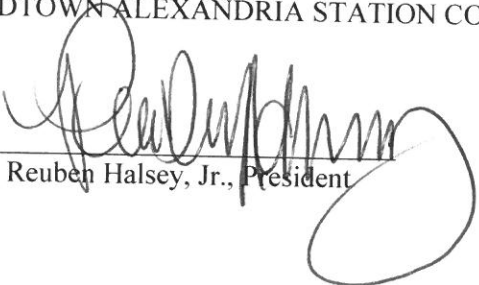
- A. If any unit owner, member of their household, or their tenants, guests, invitees, agents or employees, fails to comply with this Resolution, the Association shall be permitted to take all actions authorized by the Association's Declaration, Bylaws, policy resolutions and the Virginia Condominium Act, including but not limited to, imposing monetary charges, suspending a unit owner's membership rights, filing suit to compel an owner's compliance, and any other remedy available at law or in equity.
- B. All rights, remedies and privileges granted to the Association, the Board or any unit owner pursuant to any term, provision, covenant or condition of the Condominium instruments or Act shall be deemed to be cumulative and the exercise of any one or more shall not be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other privileges as may be granted to such party by the Condominium instruments or the Act or at law or in equity.

VI. MISCELLANEOUS

- A. The effective date of this revised policy shall be 7/16/, 2019.

MIDTOWN ALEXANDRIA STATION CONDOMINIUM UNIT OWNERS' ASSOCIATION

By

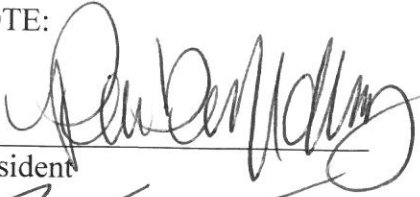
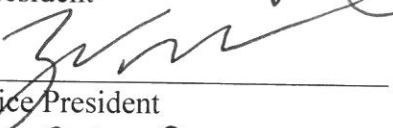

Reuben Halsey, Jr., President

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held July 11a, 2019.

Motion by: Kathleen Hill Seconded by: Milia George

VOTE:

| | YES | NO | ABSTAIN | ABSENT |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <u></u> President | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u></u> Vice President | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>John Bayrent</u> Treasurer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Milia George</u> Secretary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Kathleen Hill</u> Director | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ATTEST:

Milia George
Secretary

10/2/18
Date

Resolution effective: July 11a, 2019.

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the unit owners of Midtown Alexandria Station Condominium, on this 16 day of July, 2019.

Carol G. Bhatti, general manager
Managing Agent
Managing agent for Midtown
Alexandria Station